IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 10311 of 2004**

Between:

1 Ch.Srinivas Reddy S/o Late Sri. Gopala Reddy, age 59 years, H.No.2-6-1131, Srinivasa Colony, Waddepally, Hanamkonda, Warangal District,

2 C.H.Sarojani W/o C.H. Srinivasa Reddy, age 52 years, H.No.2-6-1131, Srinivasa Colony Waddepally, Hanamakonda Warangal Dist

.....
PETITIONERS

AND

The Executive Engineer (Housing) AP. Housing Board, Warangal Divsion At Warangal

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned notice in Lr.No.704/D1/2004 dt. 5/06/2004 as illegal void and ab initio and violative of Article 14 and 21 of the constitution of India besides of violative of principles of natural justice and consequently direct the respondent to conduct proper surver by giving due notice to the petitioner and to pass such other order or orders.

Counsel for the Petitioners:MR.Y.RAMA RAO

Counsel for the Respondent: (SC FOR A.P.HOUSING BOARD)

**The Court made the following O R D E R:**

This writ petition is filed by the petitioners aggrieved by the impugned letter dated 05-06-2004 issued by the respondent, under which the petitioner was directed to remove the compound wall from the respondent Board's land within a week as per his commitment dated 30-01-2004.

2. The grievance of the petitioners is that they did not give any such commitment at any point of time and there was no survey conducted by the respondent to decide whether there is any encroachment into the respondent Board's land.

3. Learned counsel for the petitioners contended that the impugned order cannot be given effect to and sought for quashing of the said order.

4. Learned Standing Counsel appearing for the respondent Board, on the other hand, contended that as per the stand of the Board, the petitioners have given a commitment as stated in the notice and if the petitioners did not honour the said commitment, the Board would initiate appropriate proceedings against the petitioners before the competent authority.

5. In the facts and circumstances of the case, I am of the opinion that it is not necessary to adjudicate upon the issue raised by the petitioners. If the petitioners have not given any commitment and if they do not choose to vacate the encroachment as alleged by the respondent, the alternative course open to the respondent is only to initiate proceedings before the competent authority, in which case, the issue gets adjudicated before the competent authority.

6. Under the above circumstances, this Court cannot go into merits of the rival contentions and the writ petition is disposed of with the above observation.

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23-06-2004

vrn

To
1. The Executive Engineer (Housing) AP. Housing Board, Warangal
   Divsion At Warangal
2. Two CD copies.